

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ADAM PUSZTASZERI,

Plaintiff,

-v-

CONSIGLI & ASSOCIATES, LLC, and ONE  
BEEKMAN OWNER, LLC,

Defendants.

21 Civ. 1462 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 18, 2021, plaintiff filed the complaint in this case, asserting diversity of citizenship of the parties as the sole basis for federal jurisdiction. Dkt. 1. On review, it appears to the Court that defendants are each limited liability companies (“LLCs”). The citizenship of an LLC is the citizenship of each of its constituent members. While the complaint alleges that defendants are organized under the laws of, and have their principal places of business in, New York, and alleges the citizenship of one member of each defendant LLC, the complaint does not allege the citizenship of all of the LLCs’ members.

To enable the Court to determine whether there is diversity of citizenship, plaintiff must therefore file an amended complaint, which must allege (1) the citizenship of natural persons who are members of the LLCs and (2) the place of incorporation and principal place of business of any corporate entities who are members of the LLC. *See Handelsman v. Bedford Village Assoc. Ltd. P’ship*, 213 F.3d 48, 51–52 (2d Cir. 2000) (citing *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998)); *Strother v. Harte*, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) (“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.”). If plaintiff is unable to amend the complaint to allege truthfully complete diversity

based upon the citizenship of each constituent person or entity of the LLC, then the complaint will be dismissed, without prejudice, for want of subject-matter jurisdiction. *See Curley v. Brignoli, Curley & Roberts Assocs.*, 915 F.2d 81, 83 (2d Cir. 1990) (“[S]ubject matter jurisdiction is an unwaivable *sine qua non* for the exercise of federal judicial power.”). To enable the Court to determine whether there is diversity of citizenship, plaintiff must therefore file an amended complaint.

Accordingly, in the interests of justice, the Court grants plaintiff leave to amend the complaint under Federal Rule of Civil Procedure 15(a)(2) to allege the citizenships of all members of the LLCs in this case by March 3, 2021.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: February 19, 2021  
New York, New York